

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

MICHAEL ROBERTS

v.

ALTAIR LINES S.A.
(referred to in Complaint
as M/V SHINANO REEFER *in personam*)

v.

ACTIVE CRANE RENTALS, INC.

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CIVIL ACTION NO. 05-454 -GMS

**DEFENDANT ALTAIR LINES S.A.'S ANSWER TO ALL CROSSCLAIMS ASSERTED
BY DEFENDANT/THIRD-PARTY DEFENDANT ACTIVE CRANE RENTALS, INC.**

Defendant Altair Lines S.A. (hereinafter "Altair" or "answering defendant") appearing *in personam* only, by and through its attorneys, Palmer Biezup & Henderson, LLP, answers all crossclaims asserted by defendant/third-party defendant Active Crane Rentals, Inc. (hereinafter "Active Crane") as follows:

1. Denied. With regard to the one-paragraph Crossclaim set forth by Active Crane with its "Answer to Plaintiff's Complaint With Affirmative Defenses and Crossclaim on Behalf of Active Crane Rentals, Inc.," (D.I. 20) answering defendant Altair denies all averments contained in said one-paragraph Crossclaim and incorporates herein by referral its Answer to Plaintiff's Complaint together with Affirmative Defenses as well as its Third-Party Complaint Against Active Crane Rentals, Inc. as if set forth herein at length.

2. Denied. With regard to the Crossclaim of Active Crane set forth in its "Answer to Defendant Altair Lines S.A.'s Third-Party Complaint With Affirmative Defenses," answering defendant denies all averments contained in said one-paragraph Crossclaim and incorporates

herein by reference its Answer to Plaintiff's Complaint together with affirmative defenses as well as its Third-Party Complaint against Active Crane Rentals, Inc. as if set forth herein at length.

FIRST SEPARATE DEFENSE

Cross-claimant Active Crane has failed to state a claim against answering defendant for which relief can be granted.

SECOND SEPARATE DEFENSE

Answering defendant avers that this claim against it is barred by the doctrines of estoppel, laches or waiver.

THIRD SEPARATE DEFENSE

Answering defendant claims benefit of all rights and defenses of the Limitation Statutes of the United States, particularly the Limitation of Liability Act, 46 U.S.C. §183 *et seq.*

FOURTH SEPARATE DEFENSE

Plaintiff Michael Roberts' alleged accident, injuries or losses, if they occurred, which is denied, were entirely or substantially caused by plaintiff's own contributory negligence, the negligence of Active Crane Rentals, Inc., the negligence of plaintiff's employer, Murphy Marine Services, Inc., and/or the negligence of other parties, persons and/or entities for whom the answering defendant has no responsibility.

FIFTH SEPARATE DEFENSE

Cross-claimant Active Crane expert and experienced crane owners and operators had exclusive possession, custody and control of and over the subject crane involved in the alleged accident. Moreover, it was Active Crane that operated, directed and was responsible for all shore side crane used in the cargo operations which are the subject of Plaintiff's lawsuit.

SIXTH SEPARATE DEFENSE

The ship's personnel were at no time involved in any way with the operation of the shore crane(s) involved in the cargo operations which are the subject of Plaintiff's lawsuit.

SEVENTH SEPARATE DEFENSE

Answering defendant incorporates herein by reference its Third-Party Complaint against Active Crane Rentals, Inc. and its Answer to Plaintiff's Complaint together with affirmative defenses as if set forth herein at length.

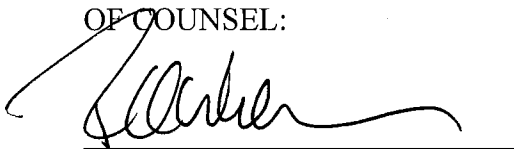
WHEREFORE, Answering defendant Altair Lines S.A. prays that judgment be entered in its favor and against crossclaimant Active Crane Rentals, Inc., dismissing with prejudice Active Crane Rentals, Inc.'s two crossclaims at Active Crane Rentals, Inc.'s cost, together with counsel fees and expenses and such further relief and this Honorable Court deems appropriate under the circumstances.

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

By: /s/ Michael B. McCauley
Michael B. McCauley, Esq. (ID # 2416)
Attorneys for Defendant Altair Lines S.A.
1223 Foulk Road
Wilmington, DE 19803
(302) 594-0895

OF COUNSEL:



Richard Q. Whelan

PALMER BIEZUP & HENDERSON LLP
620 Chestnut Street, 956 Public Ledger Building
Philadelphia, PA 19106
(215) 625-9900

Dated: April 6, 2006

CERTIFICATE OF SERVICE

I hereby certify that on the date shown below I electronically filed the foregoing Defendant Altair Lines S.A.'s Answer to All Crossclaims Asserted by Defendant/Third-Party Defendant Active Crane Rentals, Inc. using CM/ECF which will send notification of such filings to:

Louis J. Rizzo, Jr., Esquire
Reger, Rizzo, Kavulich & Darnall, LLP
1001 N. Jefferson Street
Suite 202
Wilmington, DE 119801
Attorney for Defendant, Active Crane Rentals, Inc.

Peter E. Hess, Esquire
Law Offices of Peter E. Hess
P.O. Box 7753
Wilmington, DE 19803-7753
Attorney for Plaintiff Michael Roberts

I further certify that a courtesy copy of the foregoing has been served on the above listed counsel as well as the counsel for Third-Party Defendant listed below:

Francis Deasey, Esquire
Troy D. Sisum, Esquire
Deasey, Mahoney & Bender, Ltd.
1800 John F. Kennedy Boulevard
Suite 1300
Philadelphia, PA 19103-2978
Pro Hac Vice Attorneys for Defendant, Active Crane Rentals, Inc.

PALMER BIEZUP & HENDERSON LLP

By: /s/ Michael B. McCauley
Michael B. McCauley

Date: April 6, 2006